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Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCHED

MM Docket No. 92-261

In the Matter of

Implementation of Section 22
of the Cable Television
Consumer Protection and
Competition Act of 1992

Equal Employment Opportunities

NOTICE OF PROPOSED RULE MAKING

Adopted: December 10, 1992; Released: January 5, 1993

Comment date: February 15, 1993

Reply comment date: March 4, 1993

By the Commission:

Table of Contents

	Paragraph
I. INTRODUCTION	1
II. BACKGROUND	2-4
III. DISCUSSION	5-20
A. Mid term Review for Broadcast Television Stations	5-10
B. Cable Equal Employment Opportunity	11-20
IV. CONCLUSION	21
V. ADMINISTRATIVE MATTERS	22-26

I. INTRODUCTION

1. On October 5, 1992, the Cable Television Consumer Protection and Competition Act of 1992, ("Cable Act of 1992.") Pub. L. No. 102-385, Stat. _____ (1992) was enacted. By this *Notice of Proposed Rulemaking*, we propose to amend our rules to implement the equal employment opportunity (EEO) provisions (See Appendix B) set forth in Section 22 of the Cable Act of 1992.

II. BACKGROUND

2. Since 1969 and 1972 respectively, the Commission has imposed equal employment opportunity standards on the broadcast and cable industries.¹ Broadcast television stations and cable television operators, including satellite master antenna operators,² may not discriminate in their employment practices due to gender, race, color, religion, or national origin. They also must afford equal opportunity in employment to all qualified persons.³ In addition, both broadcast television stations and cable operators must establish and maintain an equal employment opportunity program designed to provide equal opportunity for minorities and women in all aspects of their employment policies and practices. The EEO review processes for broadcast stations and cable operators are similar in that, in both cases, the Commission's primary focus is on the efforts engaged in to recruit, hire and promote qualified minorities and women. However, the type of information relied upon in reviewing EEO programs, the frequency with which Commission review occurs and the types of remedies and sanctions which can be imposed in the face of non-compliance differ for the two industries.

3. Unlike cable systems, broadcast television stations are not subject to an annual review. Their EEO compliance is reviewed every five years during the license renewal process.⁴ As part of their renewal applications, broadcast stations with five or more full-time employees are required to file an "Equal Employment Opportunity Program Report" (Form 396) which requests general information concerning recruitment sources contacted; the race and gender of referrals received from recruitment sources; and the number, race and gender of all employees promoted and hired during the 12-month period prior to filing the renewal application. See Appendix D. Licensees also are required to file an Annual Employment Report (Form 395-B) on a yearly basis.⁵ See Appendix E. These reports, which set forth the station's employment statistics by job categories, are reviewed only when the station applies for renewal.⁶ When reviewing a broadcaster's EEO compliance at renewal time, the Commission's primary focus is on the

¹ In 1984, our cable EEO rules were codified in Section 634 of the Communications Act of 1934, by the Cable Act of 1984. See Cable Communications Policy Act of 1984, Pub. L. No. 98-549, Section 1 *et. seq.* 98 Stat. 2779 (1984). The Cable Act of 1992 codifies our broadcast EEO Rule (47 C.F.R. Section 73.2080) as well as our EEO reporting forms as they apply to broadcast television stations. See Cable Act of 1992, adding Section 334(a) of the Communications Act of 1934.

² These requirements apply to broadcast radio stations as well but Congress has not specifically codified in the Communications Act EEO provisions for radio stations.

³ Protected minority groups are the same for broadcast and cable and are limited to: Blacks, Hispanics, Asian/Pacific Islanders and American Indians.

⁴ Licensees of television stations also must file a Model EEO Program Report (Form 396-A) as part of any application for construction permit, assignment or transfer of control of license. See Appendix C.

⁵ See 47 C.F.R. Section 73.3612.

⁶ The Commission also takes cognizance of any final determinations reached concerning complaints of employment discrimination against broadcasters filed with government agencies and/or courts established to enforce nondiscrimination laws. See *Memorandum of Understanding between the Federal Communications Commission and the Equal Employment Opportunity Commission*, 70 FCC 2d 2320 (1978) (agreement between FCC and EEOC regarding the handling of employment discrimination complaints against broadcasters).

licensee's overall efforts.⁷ If a broadcast station is found to be in compliance with the Commission's broadcast EEO Rule, 47 C.F.R. Section 73.2080, renewal is granted. If, however, it is not in compliance, the Commission may impose a variety of remedies or sanctions such as admonishment, reporting conditions,⁸ renewal for less than a full term and/or a forfeiture. If the facts so warrant, the Commission will designate the renewal application for hearing to determine whether renewal of license should be granted or denied.⁹

4. In contrast, the Commission reviews EEO programs of cable systems and headquarter units with more than five full-time employees on an annual basis. This review begins when the cable operator files its Annual Employment Report (Form 395-A), which must be submitted on or before May 1st of every year by all cable systems employing six or more full-time employees.¹⁰ The Form 395-A requires answers to nine questions about the cable operator's EEO efforts;¹¹ the number, race, gender and job classification of each full and part-time employee on the system's work force;¹² the number, race and gender of all employees promoted during a 12-month period; and the number, race and gender of all new hires (both overall and upper-level) during the same 12-month period. See Appendix F. In addition, cable operators are required to complete a Supplemental Investigation Sheet (SIS) every five years.¹³ This sheet requests additional specific information regarding recruitment efforts and job classifications. The Form 395-A, along with any additional information, is reviewed using a two-step process which involves a statistical analysis of the cable system's work force and a review of the system's responses to questions regarding its EEO efforts. In addition, the Commission examines any EEO complaints that may have been filed against a cable system.¹⁴ If a system appears to be in compliance with the Commission's cable EEO rules,¹⁵ it is granted certification for that year. If the Commission finds that the system is not engaging in sufficient efforts or is not attracting a diverse pool of applicants, additional inquiries are made. If, based on the Form 395-A report and responses to subsequent inquiries, it is determined that the system is not in compliance, certification is

denied. When certification is denied, the Commission may impose various remedies or sanctions, including admonishing the system to correct any identified problems; imposing reporting conditions; or, where appropriate, issuing a forfeiture.¹⁶ Finally, in addition to the annual review and the five year investigation, the Commission conducts on-site reviews of cable systems to verify its EEO program and assure that employees are properly classified.

III. DISCUSSION

Mid-term Review for Broadcast Television Stations

5. Section 22(f) of the Cable Act of 1992 mandates that the Commission conduct a mid-term review of television broadcast station licensees' "employment practices." This section also requires the Commission to inform such licensees of necessary improvements in recruitment practices identified as a result of the review.¹⁷ Although the statute is silent as to the criteria to be used for this mid-term review, the Conference Report provides specific guidance.¹⁸ It states that the Commission should compare the workforce data submitted in the first two annual employment reports filed following grant of renewal with the relevant labor force data the Commission would customarily use (MSA or county). The FCC internal processing guidelines in effect as of September 1, 1992¹⁹ would then be applied to the results of the above comparison.²⁰

6. The referenced criteria consist of a comparison of the composition of the stations' employment profile with the relevant labor force area as follows. First, stations with five to 10 full-time employees would meet the guidelines if the proportion of minority and female representation in their overall staffs is at least 50% of that of the relevant labor force, and in the upper-level job categories at least 25% of that of the relevant labor force. Second, stations with 11 or more full-time employees would meet the guidelines if the proportion of minority and female representation is at least 50% of that of the relevant labor force, and in the upper-level job categories at least 50% of that of the relevant

⁷ This evaluation is a two-step process. Initially, the Commission reviews information in the licensee's renewal application (Form 396) and compares the station's workforce, as reflected in the Form 395-B reports, with the available labor force. See *Amendment of Part 73 of the Commission's Rules Concerning Equal Employment Opportunity in the Broadcast Radio and Television Services*, 2 FCC Rcd 3967 (1987) (*Broadcast EEO*), petition for reconsideration pending; see also 4 FCC Rcd 1715 (1989) (request for clarification of the National Association of Broadcasters). If the first step indicates that the station's EEO efforts are satisfactory, the station is accepted as having fulfilled its obligations. However, if the initial analysis indicates that a station's efforts may have been less than satisfactory, it is subjected to a second-step analysis of those areas where its efforts appear deficient.

⁸ Generally, stations under reporting conditions are required to submit three successive annual progress reports detailing their hiring and recruitment practices.

⁹ See *Broadcast EEO*, *supra*; *Beaumont Branch of the NAACP and the National Black Media Coalition v. FCC*, 854 F.2d 501, 506 (D.C. Cir. 1988); *Bilingual Bicultural Coalition on Mass Media, Inc. v. FCC*, 595 F.2d 621 (D.C. Cir. 1978).

¹⁰ See 47 C.F.R. Section 76.77.

¹¹ The nine questions are modelled after the requirements of Section 634(d)(2) of the Communications Act of 1934, as amended, 47 U.S.C. Section 554(d)(2) and 47 C.F.R. Section

76.75.

¹² The present job classifications include: 1) Officials & Managers; 2) Professionals; 3) Technicians; 4) Salesworkers; 5) Office & Clerical; 6) Craftworkers (skilled); 7) Operatives (semi-skilled); 8) Laborers (unskilled); and 9) Service Workers.

¹³ See Section 634(e)(2) of the Communications Act, as amended, 47 U.S.C. Section 554(e)(2); 47 C.F.R. Section 76.77.

¹⁴ Concerning EEO complaints, if the FCC receives any adjudicated findings of discrimination, it will generally deny certification and take any other appropriate action. In most cases, an unresolved complaint is not a basis for denial of certification.

¹⁵ See 47 C.F.R. Section 76.75.

¹⁶ See Section 634(f)(1) of the Communications Act, as amended, 47 U.S.C. Section 554(f)(1).

¹⁷ See Section 22(f) of the Cable Act of 1992, adding 47 U.S.C. Section 334(b).

¹⁸ See House Committee on Energy and Commerce, H.R. Rep. No. 102-862, 102d Cong. 2d Sess. (1992), reprinted at Cong. Rec. H 8308, H 8333-8334 (daily ed. September 14, 1992) (hereinafter "Conference Report").

¹⁹ See Conference Report, at H 8334.

²⁰ The Conference Report states that the mid-term review "is not intended to establish and shall not be considered or utilized in any manner as establishing a quota for the employment of members of any societal group." See Conference Report, at H 8334.

labor force. Availability in the labor force is determined by the applicable metropolitan statistical area (MSA) or relevant county statistics.²¹

7. Because the language in the statute states that the mid-term review is of "employment practices," the amendment could conceivably be read to require an EEO efforts-type of analysis that would go beyond measuring a broadcast licensee's employment profile against the processing guidelines. However, given the general nature of the statutory language in Section 22(f) and the much more specific language in the Conference Report, it is our initial conclusion that the language in the Conference Report should be followed. We seek comment on our initial view as to the criteria to be used for the mid-term review.

8. The statute also is silent as to precisely when the mid-term review is to occur. However, the Conference Report states that the first two Forms 395-B submitted after grant of license renewal are to be used for the review.²² Broadcast television stations are required to file annual employment reports by May 31st of each year.²³ This report requires the filing of data on the number, gender, and race or national origin of full and part-time employees in each of the nine job categories during a selected payroll period in January, February or March. We propose to use for the mid-term review the first two annual employment reports filed after the expiration date of the station's license period as stated in Section 73.1020 of the Commission's rules.²⁴ This review should commence as soon as possible after the filing of the second employment report or approximately two and one-half years following the uniform expiration date of licenses by the renewal group. This will ensure that all stations within a renewal group are reviewed based on a similar time period. We seek comment on this proposal.

9. Section 22(f) requires the Commission to inform licensees "of necessary improvements in recruitment practices identified as a consequence of such review."²⁵ For example, we could inform licensees not meeting the processing guidelines that their overall recruitment efforts might need greater attention and should be the focus of more intense self-assessment. We seek comment on this approach. We also note that the language in Section 22(f) is unclear as to whether all stations should receive a letter as a result of this review or only those stations needing improvement. The Conference Report, however, suggests that only licensees with deficient "employment practices" need to receive a letter.²⁶ We seek comment on our proposal that, while all broadcast television stations should be reviewed at mid-term, letters need be sent only to those with identified deficiencies.

10. Next, we seek comment on what effect the mid-term review should have on a subsequent renewal. The statute is silent on this issue, while the Conference Report states that the review letter "is not and is not to be treated for any purpose as a Commission sanction"²⁷ Thus, the Conference Report suggests that a finding of deficiency should

constitute nothing more than an early warning that a licensee's overall EEO efforts may need improvement. However, because the mid-term review, under our proposal, would consist of an analysis of only one aspect of our EEO efforts-based renewal evaluation, the mid-term review would not establish compliance with our EEO Rule. Thus, we tentatively conclude that the EEO program of a licensee that failed to receive a deficiency letter would not be treated as being in compliance with the EEO Rule at renewal time merely because no mid-term deficiency letter was received. We seek comment on these matters.

Cable Industry Equal Employment Opportunity

11. Congress' apparent intent in amending the EEO provisions of the Communications Act as they apply to cable systems was to increase attention to the representation of minorities and females in managerial positions within the cable industry.²⁸ Thus, the Act requires the Commission to collect more specific employment data from cable entities, including separate information on the job title of each employee listed within the various job categories. The Act also expands the current nine job categories to 15. In addition, it raises the penalty for violating Section 634 from \$200 for each violation to \$500. The Act also amends the scope of the EEO requirements of Section 634 and our rules to include "any multichannel video programming distributor."

12. Section 22(c) amends Section 634(d)(3) of the Communications Act to add six new job categories: 1) Corporate Officers; 2) General Manager; 3) Chief Technician; 4) Comptroller; 5) General Sales Manager; and 6) Production Manager. Cable systems will be required to report the job title in addition to the number, gender and race of its employees listed in each of the 15 job categories. The purpose of the additional reporting requirements is to provide the Commission with an additional method of ensuring that employees are accurately categorized.²⁹ Further, Congress' apparent intent in expanding the number of job categories is to improve the Commission's ability to monitor industry employment trends as well as to evaluate the effectiveness of its rules and enforcement practices with respect to representation of women and minorities in decisionmaking and supervisory positions. We believe that the above satisfies the reporting requirements for cable employees in the 15 categories under the Act. We seek comment on this matter.³⁰

13. We propose to implement the new full and part-time reporting requirements for cable systems by modifying Form 395-A to emulate Form 395-B used by broadcast stations. The latter reflects full and part-time employment separately. To collect the required job title information, we propose to add a new section to Form 395-A which will ask cable systems to list the job titles of employees within each of the 15 categories.³¹ With respect to the six new job categories, we note that these are senior positions which

²¹ See Public Notice FCC 80-61 (released February 13, 1980). For example, based on a 40% available minority labor force, a station with 10 upper-level jobs (out of 12 full-time employees overall) will meet the criteria for upper-level jobs if at least two of the 10 (or 20%, i.e. 50% of 40%) are minorities.

²² See Conference Report, at H 8334.

²³ See 47 C.F.R. Section 73.3612.

²⁴ See 47 C.F.R. Section 73.1020.

²⁵ See Section 22(f) of the Cable Act of 1992, adding 47 U.S.C.

Section 334(b).

²⁶ See Conference Report, at H 8334.

²⁷ See Conference Report, at H 8334.

²⁸ See Section 22(a) of the Cable Act of 1992.

²⁹ See House Committee on Energy and Commerce, H.R. Rep. No. 102-628, 102d Cong., 2d Sess., at 112 (1992), (hereinafter "House Report").

³⁰ See House Report, at 112.

³¹ To alleviate additional paperwork burdens, we propose to

should be reported within the existing "officials and managers" category. Thus, we propose to collect employment profile data as well as recruitment, promotion and hiring information on the incumbents of these categories in a separate section. *See* Appendix G. We believe this method will protect the integrity of the trend report which the Commission has produced since 1972³² and allow for comparisons with other industries using the standardized federal format. In addition, this method will allow us to monitor the trend of minority and female employment in these six new categories as designated by Congress. Comment is invited on these proposals as well as any additional proposals for fulfilling these new reporting requirements.

14. Next, the Act requires that the Commission define jobs to be included in the six new job categories "so as to ensure that only employees who are principal decision-makers and who have supervisory authority are reported." The Commission also is required to adopt rules defining the remaining nine job categories "in a manner that is consistent with the Commission's policies in effect on June 1, 1990."³³ Further, Congress authorizes the Commission to "utilize, reexamine and redefine all existing categories."³⁴ At this time, we see no need to reexamine the current definitions for the nine existing categories. It has been our experience that these definitions are, in fact, adequate. We therefore propose to adopt the current definitions of the nine remaining job categories into our cable EEO rules.³⁵

15. The definitions of jobs to be included in our current nine job categories were determined by the Office of Management and Budget and are used government-wide in evaluating all industries. We have been unable to locate any sources or agencies which use or define job categories as specific as the six new categories required by the Act. Nonetheless, based on our review of job definitions currently used by some companies in the cable industry, we propose to define the six new job categories as outlined in Appendix H. Comment is invited on these proposed definitions as well as on other alternative definitions. In addition, we invite comment on whether there are pre-existing sources to which we can turn for guidance in developing definitions for the six new job categories.

16. We also seek comment on whether Section 22(c) requires the Commission to provide statistical information for the six new job categories. In order to assist cable systems in their self-assessment, the Commission currently provides statistical data to individual cable systems that reflect the composition of the relevant available labor force in the aggregate as well as for each of the nine job categories.

See Appendix I. While Section 22(c) could be viewed as requiring the Commission to provide statistical data for each of the new categories, we believe the better interpretation is that the new categories be incorporated into the upper-four job categories evaluation. In this regard, the House Report indicates that the Commission should include the six new categories in evaluation of the upper-level positions following our current process.³⁶

17. Section 22(c) amends Section 634(d)(3) to require cable operators to make annual employment reports available for public inspection at the entity's central location and at every location where more than five full-time employees are regularly assigned to work.³⁷ This filing already is required now by our rules.³⁸ Thus, we do not need to amend our rules to accommodate this provision.

18. In addition, we note that the language of Section 22(c) includes the term "qualified minorities and women in the relevant labor market." The House Report states that our "method of comparing the composition of the cable operator's workforce with that of the relevant labor market has not been changed...."³⁹ We do not believe that Congress intended the Commission to engage in a competency-based analysis which it currently does not employ. We seek comment on the above.

19. Section 634(f)(2) of the Communications Act currently authorizes the Commission to impose a \$200 forfeiture for each violation of the EEO provisions of the Act as well as our cable EEO rules.⁴⁰ Under this section, each day of a continuing violation is considered a separate offense.⁴¹ Congress has now amended Section 634(f)(2) of the Communications Act by increasing the penalty for noncompliance from \$200 to \$500.⁴² Accordingly, the higher forfeiture amounts will be applied to future cable EEO actions, as appropriate.

20. Finally, Section 22(e) amends Section 634(h)(1) to include within the definition of "cable operator" for EEO purposes any "multichannel video programming distributor."⁴³ This term is defined as "a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming."⁴⁴ We seek comment on our proposal to amend Section 76.71(a) of our rules by adding "and any multichannel video programming distributor" and to adopt the statute's definition of this term in a new subsection (jj) to Section 76.5 of our rules.⁴⁵

attach one copy of this section to each Form 395-A. We also would allow systems to make additional copies of the section as needed.

³² The report, compiled from the Annual Employment Reports filed yearly by the broadcasters and cable operators, reflects the total number of women and minorities employed in all job categories. It sets forth this data for each of the past five years.

³³ *See* Section 22(c) of the Cable Act of 1992, amending Section 634(d)(3) of the Communications Act of 1934, as amended, Section 47 U.S.C. Section 554(d)(3).

³⁴ *See* House Report, at 113.

³⁵ *See* Appendix H.

³⁶ *See* House Report, at 112.

³⁷ *See* Section 22(c) of the Cable Act of 1992, amending Section 634 of the Communications Act of 1934, as amended, 47 U.S.C. Section 554(d)(3).

³⁸ *See* 47 C.F.R. Section 76.79.

³⁹ *See* House Report, at 112.

⁴⁰ *See* 47 U.S.C. Section 554(f)(2).

⁴¹ *See* 47 U.S.C. Section 554(f)(2).

⁴² *See* Section 22(d) of the Cable Act of 1992, amending Section 634(f)(2) of the Communications Act of 1934, as amended, 47 U.S.C. Section 554(f)(2).

⁴³ The House Report indicates that this definition was expanded to reflect a belief that "it is important to ensure women and minorities equal employment and promotion opportunities in new, emerging, and alternative technologies." *See* House Report at 113.

⁴⁴ Section 2(c) of the Cable Act of 1992 amending Section 602 of the Communications Act of 1934.

⁴⁵ DBS broadcast stations currently are required to practice nondiscrimination and to establish an affirmative action program to afford equal employment opportunity for all persons.

See Appendix H. Because the same terminology is used in other parts of the 1992 Act, e.g. in connection with the effective competition definition (§3), retransmission consent requirements (§6), program ownership (§11), program carriage agreements (§12), and program access (9), this definition will also be the subject of discussion in other proceedings. See *Implementation of the Cable Television Consumer Protection and Competition Act of 1992: Broadcast Signal Carriage Issues*, MM Docket No. 92-259, FCC 92-259, para. 42 (1992).

IV. CONCLUSION

21. By this *Notice of Proposed Rule Making*, the Commission proposes to amend its rules to implement certain provisions of the Cable Television Consumer Protection Act of 1992. We request comment on any of the proposed rule changes discussed above. In addition, we encourage parties to submit comments with respect to any other sections of the Act that they believe may affect the Commission's EEO rules and regulations.

V. ADMINISTRATIVE MATTERS

A. Regulatory Flexibility Analysis

22. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth in Appendix A. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice of Proposed Rule Making*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this *Notice of Proposed Rule Making*, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981).

B. Ex Parte

23. This is a non-restricted notice and comment rule-making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 C.F.R. Sections 1.1202, 1.1203, and 1.1206(a).

C. Comment Dates

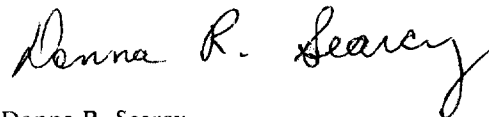
24. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. Sections 1.415 and 1.419, interested parties may file comments on or before **February 15, 1993**, and reply comments on or before **March 4, 1993**. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies.

You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

25. Authority for this proposed Rule Making is contained in Sections 4(i) and (j), and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), (j), and 303 and Section 22 of the Cable Television Consumer Protection and Competition Act of 1992.

26. For further information on this proceeding, contact Lisa M. Higginbotham, Mass Media Bureau, at (202) 632-7069.

FEDERAL COMMUNICATIONS COMMISSION



Donna R. Searcy
Secretary

APPENDIX A

Initial Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds:

I. *Reason for action.* This action is taken to implement the equal employment opportunity provisions of the Cable Television Consumer Protection and Competition Act of 1992.

II. *Objectives.* The legislation and this subsequent Commission action establish guidelines for the regulation of equal employment opportunity policy and practices in the cable and broadcast television industries. This proceeding is intended to institute a national policy to encourage employment opportunities for women and minorities and to ensure non-discrimination in the cable and broadcast television industries.

III. *Legal basis.* Action as proposed for this rule making is contained in Sections 4(i), (j) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 4(i), (j), and 303 and Section 22 of Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, _____ Stat. _____ (1992).

IV. *Reporting, recordkeeping and other compliance requirements.* Cable entities will be required to submit additional documentation as part of the Commission's investigation responsibilities as mandated by the Cable Act. The documentation requirement will be new only for licensees and permittees of DBS, MMDS and other systems which fall within the Act's definition of "multichannel video programming distributor."

Applicants for construction permits, for the assignment or transfer of control of such permits, and for renewal of license must file EEO programs for minorities and women. Moreover,

all licensees and permittees with five or more full-time employees must file annual employment reports on the Form 395. See 47 C.F.R. Section 100.51(a), (b), (c), (d).

V. *Federal rules which overlap, duplicate or conflict with this rule.* None.

VI. *Description, potential impact and number of small entities affected.* In order to implement the equal employment opportunity provisions of the Cable Act of 1992, the Commission has proposed to modify some rules and add new rules. The Cable Act of 1992's definition of systems subject to the EEO provisions differs in some respect from our current requirements. If we adopt the Cable Act's definition of a cable system as we have proposed, we believe the following additional entities will be affected. Licensees and permittees of direct broadcast satellite systems (DBS) and multichannel, multipoint distribution service regulations now come under the scope of our cable EEO regulations.

VII. *Any significant alternatives minimizing impact on small entities and consistent with stated objective.* None.

PAPERWORK REDUCTION ACT IMPLICATIONS

I. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burdens upon the public. Implementation of any new or modified requirements or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

APPENDIX B

Section 22 of the Cable Act of 1992 reads as follows:

SEC. 22. EQUAL EMPLOYMENT OPPORTUNITY.

(a) Findings.--The Congress finds and declares that--

(1) despite the existence of regulations governing equal employment opportunity, females and minorities are not employed in significant numbers in positions of management authority in the cable and broadcast television industries;

(2) increased numbers of females and minorities in positions of management authority in the cable and broadcast television industries advances the Nation's policy favoring diversity in the expression of views in the electronic media; and

(3) rigorous enforcement of equal employment opportunity rules and regulations is required in order to effectively deter racial and gender discrimination.

(b) Standards.--Section 634(d)(1) of the Communications Act of 1934 (47 U.S.C. 554(d)(1)) is amended to read as follows:

"(d)(1) Not later than 270 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, and after notice and opportunity for hearing, the Commission shall prescribe revisions in the rules under this section in

order to implement the amendments made to this section by such Act. Such revisions shall be designed to promote equality of employment opportunities for females and minorities in each of the job categories itemized in paragraph (3)."

(c) Contents of Annual Statistical Reports.--Section 634(d)(3) of the Communications Act of 1934 (47 U.S.C. 554(d)(3)) is amended to read as follows:

"(3)(A) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race, sex, and job title the number of employees in each of the following full-time and part-time job categories:

"(i) Corporate officers.

"(ii) General Manager.

"(iii) Chief Technician.

"(iv) Comptroller.

"(v) General Sales Manager.

"(vi) Production Manager.

"(vii) Managers.

"(viii) Professionals.

"(ix) Technicians.

"(x) Sales Personnel.

"(xi) Office and Clerical Personnel.

"(xii) Skilled Craftspersons.

"(xiii) Semiskilled Operatives.

"(xiv) Unskilled Laborers.

"(xv) Service Workers.

"(B) The report required by subparagraph (A) shall be made on separate forms, provided by the Commission, for full-time and part-time employees. The Commission's rules shall sufficiently define the job categories listed in clauses (i) through (vi) of such subparagraph so as to ensure that only employees who are principal decisionmakers and who have supervisory authority are reported for such categories. The Commission shall adopt rules that define the job categories listed in clauses (vii) through (xv) in a manner that is consistent with the Commission policies in effect on June 1, 1990. The Commission shall prescribe the method by which entities shall be required to compute and report the number of minorities and women in the job categories listed in clauses (i) through (x) and the number of minorities and women in the job categories listed in clauses (i) through (xv) in proportion to the total number of qualified minorities and women in the relevant labor market. The report shall include information on hiring, promotion, and recruitment practices necessary for the Commission to evaluate the efforts of entities to comply with the provisions of paragraph (2) of this subsection. The report shall be available for public inspection at the entity's central location and at every location where 5 or more full-time employees are regularly assigned to work. Nothing in this subsection shall be construed as prohibiting the Commission from collecting or continuing to collect

statistical or other employment information in a manner that it deems appropriate to carry out this section."

(d) Penalties.--Section 634(f)(2) of such Act (47 U.S.C. 554(f)(2)) is amended by striking "\$200" and inserting "\$500".

(e) Application of Requirements.--Section 634(h)(1) of such Act (47 U.S.C. 554(h)(1)) is amended by inserting before the period the following: "and any multichannel video programming distributor".

(f) Broadcasting Equal Employment Opportunity.--Part I of title III of the Communications Act of 1934 is amended by inserting after section 333 (47 U.S.C. 333) the following new section:

"SEC. 334. LIMITATION ON REVISION OF EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS.

"(a) Limitation.--Except as specifically provided in this section, the Commission shall not revise--

"(1) the regulations concerning equal employment opportunity as in effect on September 1, 1992 (47 C.F.R. 73.2080) as such regulations apply to television broadcast station licensees and permittees; or

"(2) the forms used by such licensees and permittees to report pertinent employment data to the Commission.

"(b) Midterm review.--The Commission shall revise the regulations described in subsection (a) to require a midterm review of television broadcast station licensees' employment practices and to require the Commission to inform such licensees of necessary improvements in recruitment practices identified as a consequence of such review.

"(c) Authority To Make Technical Revisions.--The Commission may revise the regulations described in subsection (a) to make nonsubstantive technical or clerical revisions in such regulations as necessary to reflect changes in technology, terminology, or Commission organization."

(g) Study and Report Required.--Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Congress a report pursuant to a proceeding to review and obtain public comment on the effect and operation of the amendments made by this section. In conducting such review, the Commission shall consider the effectiveness of its procedures, regulations, policies, standards, and guidelines in promoting equality of employment opportunity and promotion opportunity, and particularly the effectiveness of its procedures, regulations, policies, standards, and guidelines in promoting the congressional policy favoring increased employment opportunity for women and minorities in positions of management authority. The Commission shall forward to the Congress such legislative recommendations to improve equal employment opportunity in the broadcasting and cable industries as it deems necessary.

APPENDIX C

Current 396-A

**BROADCAST EQUAL EMPLOYMENT OPPORTUNITY
MODEL PROGRAM REPORT**

1. APPLICANT

Name of Applicant	Address
Telephone Number (include area code)	

2. This form is being submitted in conjunction with:

- ☐ Application for Construction Permit for New Station ☐ Application for Assignment of License
- ☐ Application for Transfer of Control
- (a) Call letters (or channel number of frequency) _____
- (b) Community of License (city and state) _____
- (c) Service:
- ☐ AM ☐ FM ☐ TV ☐ Other (Specify) _____

INSTRUCTIONS

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin or sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives and Hispanics). This is submitted to the Commission as the Model EEO Program. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. In such cases, a statement so indicating must be set forth in the EEO model program. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ fewer than five full-time employees, no EEO program for women or minorities need be filed.

Guidelines for a Model EEO Program and a Model EEO Program are attached.

NOTE: Check appropriate box, sign the certification below and return to FCC:

- ☐ Station will employ fewer than 5 full-time employees; therefore no written program is being submitted.
- ☐ Station will employ 5 or more full-time employees. Our Model EEO Program is attached. (You must complete all sections of this form.)

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this _____ day of _____, 19 ____

Signed _____
Title _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION, PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

GUIDELINES TO THE MODEL EEO PROGRAM

The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. GENERAL POLICY

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of qualified minorities and women in the relevant available labor force.

II. RESPONSIBILITY FOR IMPLEMENTATION

This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. POLICY DISSEMINATION

The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. RECRUITMENT

The applicant should specify the recruitment sources and other techniques it proposes to use to attract qualified minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of qualified minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

V. TRAINING

Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist in its effort to increase the available pool of qualified minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I. GENERAL POLICY

It will be our policy to provide employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. RESPONSIBILITY FOR IMPLEMENTATION

(Name/Title) will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to the recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. POLICY DISSEMINATION

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

- ☐ The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☐ Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☐ We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.
- ☐ Other (specify)

IV. RECRUITMENT

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration whenever job vacancies occur, we propose to utilize the following recruitment procedures:

- ☐ We will contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of organizations we intend to contact are:
- ☐ In addition to the organizations noted above, which specialize in minority and women candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:
- ☐ When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with minority and women enrollments. Educational institutions to be contacted for recruitment purposes are:
- ☐ When we place employment advertisements with media some of such advertisements will be placed in media which have significant circulation or viewership or are of particular interest to minorities and women. Examples of media to be utilized are:
- ☐ We will encourage employees to refer qualified minority and women candidates for existing and future job openings.

V. TRAINING

- ☐ Station resources and/or needs will be such that we will be unable or do not choose to institute programs for upgrading the skills of employees.
- ☐ We will provide on-the-job training to upgrade the skills of employees.
- ☐ We will provide assistance to students, schools, or colleges in programs designed to enable qualified minorities and women to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary

Proposed Form of Assistance

- ☐ Other (specify)

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Paperwork Reduction Act. Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0120), Washington, D.C. 20503.

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the application requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

APPENDIX D

Current Form 396

**BROADCAST EQUAL EMPLOYMENT
OPPORTUNITY PROGRAM REPORT**

(To be filed with broadcast license renewal application)

Call Letters _____

(For FCC Use Only)

Code No. _____

Name of Licensee _____
City and State which station
is licensed to serve _____

TYPE OF BROADCAST STATION (Check one)

Commercial Broadcast Station

- ☐ AM ☐ TV
☐ FM ☐ Low Power TV
☐ Combined AM & FM
in same area ☐ International

Noncommercial Broadcast Station

- ☐ Educational Radio
☐ Educational TV

**SEND NOTICES AND COMMUNICATIONS TO THE FOLLOWING NAMED PERSON AT THE ADDRESS INDICATED
BELOW:**

Name		Street Address	
City	State	ZIP Code	Telephone No. ()

FILING INSTRUCTIONS

Broadcast station licensees are required to afford equal opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, national origin, and sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, a license renewal applicant who employs five or more full-time station employees must file a report of its activities to ensure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). If minority group representation in the available labor force is less than five percent (in the aggregate), equal employment opportunity (EEO) program information for minority group members need not be filed. However, EEO program information must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant employs fewer than five full-time employees, no equal employment opportunity activity information need be filed.

A copy of this report must be kept in the station's public file. These actions are required to obtain license renewal. Failure to meet these requirements may result in license renewal being delayed or denied. These requirements are contained in Section 73.2080 of the FCC Rules (47 CFR 73.2080), and are authorized by the Communications Act of 1934, as amended.

☐ If your station employs fewer than five full-time employees, check the box at left, complete the certification below, return the form to the FCC, and place a copy in your station's public file. You do not have to complete the rest of the form.

If your station employs five or more full-time employees, you must complete all of this form and follow all instructions.

☐ If minority group representation in the available labor force is less than 5 percent (in the aggregate) and you choose not to file EEO program information for minority groups, check the box at left and complete the rest of this form with only the information for your program directed towards women.

CERTIFICATION

This report must be certified, as follows:

- A. By licensee, if an individual;
- B. By a partner, if a partnership (general partner, if a limited partnership);
- C. By an officer, if a corporation or an association; or
- D. By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(11), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed
Title
Date
Name of Respondent
Telephone No. (include area code)

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the license renewal requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the license renewal application should be granted, denied, dismissed or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-0113), Washington, DC 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

The purpose of this document is to remind broadcast station licensees of their equal employment opportunity responsibilities and to provide the licensee, the FCC and the public with information about whether the station is meeting these requirements.

GENERAL POLICY

A broadcast station must provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

A broadcast station must also encourage applications from qualified minorities and women for hiring and promotion to all types of jobs at the station.

I. RESPONSIBILITY FOR IMPLEMENTATION

A broadcast station must assign a particular official overall responsibility for equal employment opportunity at the station. That official's name and title are:

NAME _____ TITLE _____

It is also the responsibility of all persons at a broadcast station making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that no person is discriminated against in employment because of race, color, religion, national origin or sex.

II. POLICY DISSEMINATION

A broadcast station must make effective efforts to make management, staff, and prospective employees aware that it offers equal employment opportunity. The Commission considers the efforts listed below to be generally effective. Indicate each practice that your station follows. You also may list any other efforts that you have undertaken.

- ☐ Notices are posted informing applicants and employees that the station is an Equal Opportunity Employer and that they have the right to notify an appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.
- ☐ Our station's employment application form contains a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.
- ☐ We seek the cooperation of the unions represented at the station to help implement our EEO program and all union contracts contain a nondiscrimination clause.
- ☐ Other (specify)

III. RECRUITMENT

A broadcast station must make efforts to attract qualified minority and women applicants for all types of jobs at the station whenever vacancies occur.

Indicate each practice that your station follows and, where appropriate, list sources and numbers of referrals.

- ☐ When we place employment advertisements with media some of such advertisements are placed with media which have significant circulation or viewership, or are of particular interest to minorities and women in the recruitment area. Examples of media utilized during the past 12 months and the number of minority and/or women referrals are:

	Number of Referrals	
	Minority	Women
_____	_____	_____
_____	_____	_____

- ☐ Recruit prospective employees from educational institutions, including area schools and colleges with minority and women enrollments. Educational institutions contacted for recruitment purposes during the past 12 months and the number of minority and/or women referrals are:

Educational Institution	Number of Referrals	
	Minority	Women
_____	_____	_____
_____	_____	_____

- ☐ Contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of such organizations contacted during the past 12 months are:

Organization	Number of Referrals	
	Minority	Women
_____	_____	_____
_____	_____	_____
_____	_____	_____

- ☐ We encourage present employees to refer qualified minority and women candidates for job openings. The number of minority and/or women referrals are:

Minority	Women
_____	_____

- ☐ Other (specify) and the number of minority and/or women referrals are:

Minority	Women
_____	_____

IV. JOB HIRES

A broadcast station must consider applicants for job openings on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for available positions, it must make efforts to encourage them to apply for job openings.

During the twelve-month period prior to filing this application beginning (Month-Day-Year) _____ and ending (Month-Day-Year), _____ we hired:

Total hires _____ Minorities _____ Women _____

During this period, for positions in the upper four job categories, we hired:

Total hires, upper _____ Minorities _____ Women _____
four categories

V. PROMOTIONS

A broadcast station must promote individuals on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for promotional opportunities, it must make efforts to encourage them to qualify and apply for advancement.

During the twelve-month period prior to filing this application beginning (Month-Day-Year) _____ and ending (Month-Day-Year), _____ we promoted:

Total promotions _____ Minorities _____ Women _____

During this period, in the upper four job categories, we promoted:

Total promotions, upper _____ Minorities _____ Women _____
four categories

VI. AVAILABLE LABOR FORCE

A broadcast station must evaluate its employment profile and job turnover against the availability of minorities and women in the relevant labor market. The FCC will use labor force data for the MSA in which your station is located, or county data if the station is not located in an MSA, to evaluate your station's equal employment efforts. If you use these data in your evaluation, you need not submit them to the FCC.

This section is optional:

As an alternative to MSA or county labor force data, you may use other data that more accurately reflect the percentages of women and minorities in the labor force available to your station. If such alternative data are used, that data must be submitted on the table below and an explanation attached as to why they are more appropriate.

Percentage in the Labor Force	Women	Blacks not of Hispanic Origin	Asian or Pacific Islanders	American Indians or Alaskan Natives	Hispanics

The above information is for:

☐

M.S.A.

☐

City

☐

County

☐

Other (specify)

VII. COMPLAINTS

You must provide here a brief description of any complaint which has been filed before any body having competent jurisdiction under Federal, State, territorial or local law, alleging unlawful discrimination in the employment practices of the station including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter. Examples of such jurisdiction may include the Equal Employment Opportunity Commission, state and local equal opportunity commissions, or other appropriate agencies.

VIII. OTHER INFORMATION

You may also describe other information that you believe would allow the FCC to evaluate more completely your efforts in providing equal opportunity in employment at your station. Submission of such information is optional. Among the additional information you may choose to provide are:

Any training programs the station has undertaken that are designed to enable minorities and women to compete in the broadcast employment market including, but not necessarily limited to, on-the-job training and assistance to students, schools or colleges.

Any problems the station has experienced in assuring equal employment opportunity, or attracting qualified minority and women candidates for employment or promotion.

Any efforts the station has undertaken or will undertake to promote equal opportunity in its employment and to encourage applications from minorities and women.

APPENDIX E

Current Form 395-B

APPENDIX E

Federal Communications Commission
Washington, D.C. 20554

BROADCAST STATION ANNUAL EMPLOYMENT REPORT 1992

Approved by OMB
3060-0390
Expires 6/30/93

(For FCC Use Only)

Code No.

SECTION I

A. Name of Licensee or Permittee	B. Address
----------------------------------	------------

SECTION II

A. TYPE OF RESPONDENT (check ONLY one)

COMMERCIAL BROADCAST STATION		NONCOMMERCIAL BROADCAST STATION		HEADQUARTERS
AM <input type="checkbox"/> AM	TV <input type="checkbox"/> TV	ER <input type="checkbox"/> Educational AM or FM Radio	HQ <input type="checkbox"/>	
FM <input type="checkbox"/> FM	LP <input type="checkbox"/> Low Power TV	ET <input type="checkbox"/> Educational TV		
AF <input type="checkbox"/> Combined AM & FM in same area (must file a combined report)	IN <input type="checkbox"/> International			

B. List call letters and location(s) of included stations. AM station is to be listed first in a combined report. Provide former call letters for each station if changed since last 395-B report.

CURRENT CALL LETTERS	LOCATION(S)	FORMER CALL LETTERS

SECTION III

A. PAY PERIOD COVERED BY THIS REPORT (DATE)

B. CHECK APPLICABLE BOX

- ☐ Fewer than five full-time employees during the selected payroll period (Complete page one only and certification statement and return to FCC)
- ☐ Five or more full-time employees during selected payroll period (Complete all sections of form and certification statement and return to FCC)

SECTION IV CERTIFICATION

This report must be certified, as follows: (a) By licensee, if an individual; (b) By a partner, if a partnership (general partner, if a limited partnership); (c) By an officer, if a corporation or an association; or (d) By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 603).

I certify to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed _____ Title _____

Print Name _____ Date _____ Telephone No. () _____

SECTION V - EMPLOYEE DATA

A. FULL-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-p)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

B. PART-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-p)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

APPENDIX F

Current Form 395-A

Cable Television Annual Employment Report 1992

FCC FORM 395-A

Approved by OMB

3060-0095

Expires 3/31/92

See Instructions for information regarding public burden estimate

Submit the original and one copy by May 1 to:

Federal Communications Commission
Room 7218
Washington, D.C. 20554

For FCC Use Only

Emp. Unit ID # _____

() Supplemental Investigation Sheet
(SIS) Attached

SECTION I IDENTIFYING INFORMATION

A. Name of Operator: _____

MSO Name: _____

B. Employment Unit's Mailing Address

C. County and State in which unit's employment office is located

D. Category of Respondent (check applicable box)

() Fewer than six (6) full-time employees during the selected payroll period: Complete Sections I, II and VII

() Six (6) or more full-time employees during the selected payroll period: Complete ALL sections of the Form 395-A and the Supplemental Investigation Sheet, if attached

E. Pay Period Covered by this Report (Inclusive dates)

F. Attachments: (Check applicable boxes)

Not Applicable	Attached	Exhibit - For:
()	()	A-Section II
()	()	B-Section III
()	()	C-Section IV
()	()	D-Section VI
()	()	E-SIS - Job Descriptions
()	()	F-SIS Narrative Responses

APPENDIX F

SECTION II COMMUNITY INFORMATION

System Communities Comprising Local Employment Unit

Ident No.	Name of Community	Location (State)	Type
-----------	-------------------	------------------	------

Review the list of communities served on the previous year's submission and attach as Exhibit A any additions or deletions, using the format noted above.

SECTION III EEO POLICY AND PROGRAM REQUIREMENTS

Check YES or NO to each of the following questions. If answer to any question below is NO, attach as EXHIBIT B an explanation.

YES NO

- () () 1. Do you disseminate your EEO Program to job applicants, employees, and those with whom you regularly do business?
- () () 2. Do you contact minority organizations, women's organizations, media, educational institutions, and other potential sources of minority and female applicants for referrals whenever job vacancies are available in your organization?
- () () 3. Do you evaluate your employment profile and job turnover against the availability of minorities and women in your franchise area?
- () () 4. Do you undertake to offer promotions to positions of greater responsibility to minorities and women in a nondiscriminatory manner?
- () () 5. To the extent possible, do you seek out minority and female entrepreneurs and encourage them to conduct business with all parts of your organization?
- () () 6. Do you analyze the results of your efforts to recruit, hire, promote, and use the services of minorities and women and use these results to evaluate and improve your EEO Program?
- () () 7. Do you define the responsibility of each level of management to ensure a positive application and vigorous enforcement of your policy of equal employment opportunity and maintain a procedure to review and control managerial and supervisory performance?
- () () 8. Do you conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, age, or sex from your personnel policies and practices and working conditions?
- () () 9. Do you conduct a continuing review of job structure and employment practices and maintain positive recruitment training, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility?

SECTION IV ADDITIONAL INFORMATION

You may provide as Exhibit C any additional information that you believe might be useful in evaluating your efforts to comply with the Commission's EEO provisions. There is no requirement to provide additional data or information.

SECTION V EMPLOYEE DATA

SECTION VI AVAILABLE LABOR FORCE AND OCCUPATIONAL AVAILABILITY DATA

Full-Time and Part-Time Paid Employee Data

A.		MALE					FEMALE									
JOB CATEGORIES	TOTAL (b-k)	White (Not Hispanic)	Black (Not Hispanic)	Hispanic	Asian or Pacific Islander	American Indian, Alaskan Native	White (Not Hispanic)	Black (Not Hispanic)	Hispanic	Asian or Pacific Islander	American Indian, Alaskan Native	Women	Blacks	Hispanics	Asian	American Indian
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(A)	(B)	(C)	(D)	(E)
1. Officials & Managers																
2. Professionals																
3. Technicians																
4. Sales Workers																
5. Office and Clerical																
6. Craft Workers (Skilled)																
7. Operatives (Semi-skilled)																
8. Laborers (Unskilled)																
9. Service Workers																
10. Total																

SOURCE: Name of area: (e.g., Adams County, PA, or New York City PMSA)

B. Employee Promotions By Upper Four Job Categories and Total (Data for 12 months)

Upper Four										
Total										

Attach as Exhibit D reasons for use of other labor force data

C. Job Hires By Upper Four Job Categories and Total (Data for 12 months)

Upper Four										
Total										

Emp. Unit ID # _____